

PATENT

Atty. File No. P24,386A USA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re/

Application of
Michael O'Toole, Bradley Levin,
Philip Edwards, Lee Xu and Joseph Vandenberg
Application No. 10/034,792
Filed October 29, 2001

Group No.: 2872
Examiner: Not Yet
Assigned

Tranceiver for LC Connector
Attorney Docket No. P24,386A USA

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being transmitted via facsimile on January 28, 2003 to 703-308-6916 Attn: Nancy Johnson, Office of Petitions, Assistant Commissioner for Patents, Box DAC, Washington, DC 20231.

Date: January 28, 2003


Denise S. Grisack

Attn: Nancy Johnson
Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, DC 20231

FAX RECEIVED

JAN 28 2003

PETITIONS OFFICE

DECLARATION UNDER 37 C.F.R. § 1.47(a) AND 35 U.S.C. § 116

Dear Sir:

I, Denise S. Grisack, am a paralegal from Synnestvedt & Lechner LLP working on this file, and has satisfied myself that upon information and belief, that the following statement is true and accurate, and thus declare as follows:

1. Mr. Bradley Levin is an inventor named in the above-identified application and is party to Intellectual Property Agreements (the "Agreements") with The Whitaker Corporation.

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2. Pursuant to Paragraph (4) of the Agreements, Mr. Levin has an obligation to assign to The Whitaker Corporation, and its successors in interest, any and all patent rights they may have in and to the above-identified patent application, and to execute and deliver all proper documents necessary and attendant to domestic and foreign patent applications of The Whitaker Corporation.

4. Several attempts have been made to contact Mr. Levin by correspondence and by telephone to have him execute a Declaration and Power of Attorney and an Assignment for the above-identified application to The Whitaker Corporation.

5. On February 28, 2002, Mr. Levin was sent Declaration and Power of Attorney and Assignment documents to his last known addresses via Federal Express. No response from him has ever been received.

6. On June 4, 2002 and June 13, 2002, Mr. Levin was sent an urgent reminder via Federal Express. No response from him has ever been received.

7. On June 25, 2002, an attempt was made to contact Mr. Levin by telephone. A detailed voice mail message was left, and a request was made that he return the call. A return phone call has not been received.

8. On December 13, 2002, I, Denise S. Grisack made an attempt to contact Mr. Levin via Federal Express. I sent another complete package, including application, Declaration and Power of Attorney and Assignment documents along with a prepaid return Federal Express envelope. To date, we have received no response from Mr. Levin.

9. On December 16, 2002, I, Denise S. Grisack made another attempt to contact Mr. Levin by telephone as a follow up to the Federal Express package which I sent on December 18, 2002. A detailed voice mail message was left, and a request was made that he return the call. To date, a return call has not been received.

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10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this Declaration is directed.

Respectfully submitted,

Dated: January 28, 2003



Denise S. Grisack
Paralegal for Synnestvedt & Lechner LLP

/dsg

Enclosures

The Whitaker Corporation
4550 New Linden Hill Road
Suite 450
Wilmington, DE 19808-2952
Telephone: 302-633-2763
Facsimile: 302-633-2776

FACSIMILE COVER SHEET

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2600 Aramark Tower
1101 Market Street
Philadelphia, PA 19107-2950
(215) 923-4466
Facsimile: (215) 923-2189

Please deliver the facsimile transmitted herewith to:

Name: Nancy Johnson

From: Denise S. Grisack

Re: U.S. Patent No 10/034792

S&L Docket Number: 24,386A USA

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A total of 4 pages, including this cover sheet will be transmitted.

Confirmation copy sent by mail YES X NO

Name of Operator: Denise S. Grisack

Date Sent: January 28, 2003 Time Sent: 4:10 PM EST

Facsimile Number of Recipient: 703-308-6916

Notes:

Dear Ms. Johnson:

Pursuant to your telephone message of January 14, 2003, I enclose the required Declaration Under 37 C.F.R. Sect. 1.47(a) and 35 U.S.C. Sect. 116. If you have any questions, please do not hesitate to contact me. Again, thank you for your time and consideration re that above-referenced matter. Denise Grisack

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE ADDRESSEE AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US BY TELEPHONE IMMEDIATELY. TO DO SO, YOU MAY CALL US COLLECT.